

EXHIBIT 1

1/20/25

To the Honorable Terrence G. Berg,

I would like to tell you about our son, Evan Mercer, in the past year. After the initial extreme fear and panic he experienced when first taken to jail, he has shown remarkable traits. We talk to him minimally every other day. The following are just some of the many excerpts from our conversations.

Initially, I was very concerned about him being depressed or possibly suicidal. He was getting therapy before he was arrested and this obviously stopped abruptly. He assured me he was not suicidal. When I suggested he ask for medication for anxiety or depression, he said that while he understood he could ask for it, he felt he needed to feel everything and work through it without the assistance of any medication. He explained that he journaled daily and that helped him process many of the emotions. He stated on numerous occasions that he was very anxious to talk to a professional again. We requested the assessment by Matthew Rosenberg and Evan said it was a relief to finally be able to speak with someone. He is looking forward to continuing that assistance that he understands will be provided for him.

The first thing he asked us to send him, on the recommendation of someone there, was a book called *Your Brain on Porn: Internet Pornography and the Emerging Science of Addiction*. He read it and said he gained a lot of insight from it. He also read, and recommended to us, a book called *Out of the Shadows: Understanding Sexual Addiction*. He suggested that we may want to read these as well. He said, "I understand so much more now and I'm looking forward to the day when I can discuss it with a therapist again."

He spoke to us about his first cell mate. He said "He has been so kind to me and helped me understand the systems here. I feel bad for him, he has no one. His wife and kids won't talk to him and he has no family. He has no money for commissary. I buy him extra Ramen and things, and we share puzzle books. It makes me realize how lucky I am to have so many people who care about me. I almost felt guilty on my birthday because I had so many people who wanted me to call them."

He said he tries to get along with everyone and it's sometimes tough. "These aren't people I would choose as friends, but this is who I'm with, so I try to make the best of it" He said that there are some that he just sort of avoids, but will not be mean or confront anyone. He told us once that bunkmate left, he was happy to be alone and work on his own routine, but he is frequently assigned new bunkmates as he does not cause trouble

and is easy to get along with. He told us he tries to extend the same kindness to new people that was afforded to him.

As I'm sure you are aware, Evan was in a band that was ready to leave for a multi state tour. They cancelled initially. We told Evan they were going back on the road for a few shows. Two days later he said to us "I've been feeling really good lately and I finally figured out why. I'm so happy they are going back on the road. This had absolutely nothing to do with them, they knew nothing about it. It's so unfair that my actions would impact their careers. I want people to still support them. I hope they will forgive me one day. I don't understand why people can't see that this is not about the band at all."

It was initially hard to tell Evan when we were going to do things. He said, "Mom and Dad, you didn't do anything wrong and I hope you never feel that you did. Please live your life and don't feel bad telling me about it. I love to hear what everyone is doing, it keeps me connected and gives me a little bit of normalcy"

When Evan was calling and we knew he accepted a plea, but we didn't know what it entailed, he also knew it was the day after my first chemo treatment. He called and we anxiously asked how he was. He said "first, Mom, how are you feeling?" He's worried about me, he's worried about his dad and brothers, he's worried about his grandparents. He has the idea that he'll be okay, but he wants to know that everyone else is okay. He has expressed over and over how sorry he is that this impacted anyone else.

He has expressed the fact that he will continue to work on himself. He acknowledges that he needs professional help and is anxious to continue, stating that there is only so much he can do on his own in that area. In the meantime, he said he needs to keep his mind sharp and active. He has asked for chess books to continue to study it as well as to play chess where he is. He has also asked for staff paper to write music. He says he has never gone this long without playing piano, but he can hear the notes in his head and knows what they are, so he's able to write new music as well as transcribe music he already knows. He says the option is there to do absolutely nothing, but that is not who he is nor who he wants to become.

It has always been in his character to be able to get along with anyone, be concerned about the feelings of others, and have this overall positive outlook. I am so amazed at my son, that under these extreme challenges to all of that, he's able to maintain his sense of self and who he is. The one thing he keeps repeating is "When people say, 'I thought I knew him', I want them to know they DO know me. I'm still all of the other good things they knew. I will work on this one area and get better." Also he assures us that although he has many down days, generally he feels that there is hope and he is

not giving up. I asked our priest what I was even supposed to be praying for. He said "hope, pray that there is always hope". I can say that prayer, at least, seems to have been answered for all of us on most days.

I will not be able to be at the sentencing as it's two days after my chemotherapy and I cannot go out on those days. Please know this is a sad coincidence and not at all a reflection of my lack of support for Evan. Our entire family continues to stay in contact with him, support him in any way they can and wish for his rehabilitation and return. Everyone will do whatever is necessary to help this process.

Thank you for taking the time to get to know Evan beyond his charges.

Sincerely,

Robin Mercer